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ATTORNEY DOCKET NO.: 2002834-0222 (Bacterial Delivery DIV1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Caplan Examiner: NYA  
Serial No.: 10/728,051 Art Unit: 1644  
Filing Date: December 4, 2003  
Title: MICROBIAL DELIVERY SYSTEM

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL

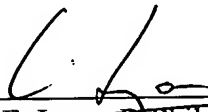
Enclosed for filing in the above-referenced patent application, please find the following documents:

- 1) Establishing Right of Assignee to Take Action (2 pages) with copy of Assignment, the original of which has been forwarded for recordation (2 pages);
- 2) Appointment of Attorney (1 page);
- 3) Associate Power of Attorney (1 page);
- 4) Written Assertion of Small Entity Status Under 37 CFR §1.27(a)(2) (1 page);
- 5) Statement of Limited Recognition Under 37 CFR § 11.9(b) (1 page); and
- 6) Return postcard.

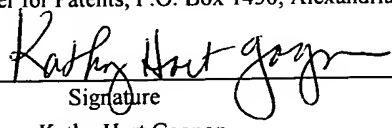
Please charge any additional fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully Submitted,  
CHOATE, HALL & STEWART LLP

Dated: March 8, 2005

  
Charles E. Lyon, D.Phil.  
Agent for Applicant  
Limited Recognition Under 37 C.F.R. § 11.9(b)

PATENT DEPARTMENT  
CHOATE, HALL & STEWART LLP  
Exchange Place  
53 State Street  
Boston, Massachusetts 02109  
Telephone: (617) 248-5000  
Facsimile: (617) 248-4000

Certificate of Mailing	
I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
March <u>8</u> , 2005	
Date	Signature
Kathy Hart Gagnon	
Typed or Printed Name of person signing certificate	



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**ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**  
**(37 CFR § 3.73(b))**

The inventor of the above-referenced United States patent application has assigned his entire right, title, and interest in the inventions disclosed therein according to the following table:

Inventor	Assignee
Michael J. Caplan	SEER Pharmaceuticals LLC

Thus, the Assignee of the inventor's entire right, title, and interest is:

SEER Pharmaceuticals LLC

According to 37 CFR § 3.73(b), the Assignee is entitled to take action relating to the application in the Patent and Trademark Office if the Assignees establish ownership to the satisfaction of the Commissioner.

Ownership by the assignee is established as follows:

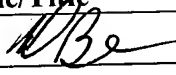
\_\_\_\_\_ documents already recorded in the PTO on \_\_\_\_\_.

Reel \_\_\_\_\_ Frame \_\_\_\_\_; and

  X   documents separately submitted for recordal to the PTO (a copy of these documents is attached).

**STATEMENT**

I, person(s) authorized to sign on behalf of the Assignee, have reviewed the evidentiary documents referred to above and certify that, to the best of my knowledge and belief, title is mine/ours as Assignee who seeks to take further action.

Name/Title	Assignee	Date
Signature: <u></u>	SEER Pharmaceuticals LLC 640 Sasco Hill Road Fairfield, Connecticut 06824	
Name: <u>Howard B. Sosin</u>		
Title: <u>CEO</u>		

COPY

## ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned **Michael J. Caplan**, of Woodbridge, CT., hereby

Sells, assigns and transfers to **SEER Pharmaceuticals LLC**, having a place of business at **640 Sasco Hill Road, Fairfield, Connecticut 06824**, its successors, assigns and legal representatives, all hereinafter referred to as the ASSIGNEE, his entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent filed **December 4, 2003**, Serial No. **10/728,051** entitled **"MICROBIAL DELIVERY SYSTEM"** and in and to said application and all divisional, continuing, substitute, renewal, reexamination, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; and in and to all original, reissued, and reexamination patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agrees that said ASSIGNEE may apply for and receive Letters Patent for said inventions in its own name; and when requested, without charge to but at the expense of said ASSIGNEE, agrees to carry out in good faith the intent and purpose of this assignment by executing all divisional, continuing, substitute, renewal, reexamination, reissue, and all other patent applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said ASSIGNEE all facts known to/relating to said inventions and the history thereof, and generally by doing everything possible which said ASSIGNEE shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said ASSIGNEE.

Hereby requests the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

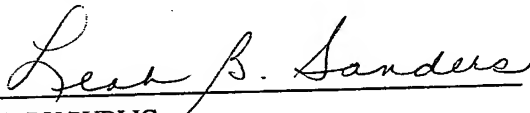
Covenants with said ASSIGNEE that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by him, and that full right to convey the same as herein expressed is possessed by him.

IN WITNESS WHEREOF, I hereto set my hand and seal at New Haven,  
this 23<sup>rd</sup> day of June, 2004.

  
Michael J. Caplan

STATE OF Connecticut  
COUNTY OF New Haven SS.

Before me this 23<sup>rd</sup> day of June, 2004, personally appeared **Michael J. Caplan**, known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.


  
NOTARY PUBLIC  
My Commission Expires: 5/31/09



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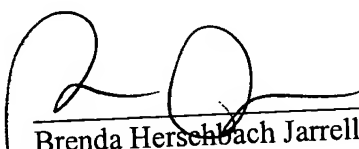
Sir:

**APPOINTMENT OF ASSOCIATE ATTORNEY/AGENT 37 CFR 1.34(b)**

For the above-referenced U.S. patent application, please recognize Charles Lyon, Limited Recognition under 37 C.F.R. § 11.9(b) as associate attorney/agent with full power to prosecute this application, to make alterations and amendments therein, and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Respectfully submitted,  
CHOATE, HALL & STEWART LLP

Dated: March 8, 2005

  
Brenda Herschbach Jarrell, Ph.D.  
Reg. No. 39,223

PATENT DEPARTMENT  
CHOATE, HALL & STEWART LLP  
Exchange Place  
53 State Street  
Boston, MA 02109  
Tel: (617) 248-5000  
Fax: (617) 248-4000



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Sir:

APPOINTMENT OF ATTORNEY

The undersigned hereby appoints:

The attorneys/agents associated with **Customer No. 24280** as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to:

Patent Department  
Choate, Hall & Stewart  
Exchange Place, 53 State Street,  
Boston, Massachusetts 02109

Respectfully submitted,

Name: Howard B. Sosin

Title: CEO

Dated: \_\_\_\_\_

On behalf of SEER Pharmaceuticals LLC



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Alexandria, VA 22313

Sir:

**WRITTEN ASSERTION OF SMALL ENTITY STATUS**  
**UNDER 37 CFR §1.27(a)(2)**  
**SMALL BUSINESS CONCERN**

The undersigned hereby asserts entitlement to small entity status as a small business concern under 37 CFR §1.27(a)(2) on behalf of SEER Pharmaceuticals LLC.

This assertion is made on the ground that SEER Pharmaceuticals LLC is a concern

(a) whose number of employees, including affiliates, does not exceed 500 persons;  
and

(b) that *has not* assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 CFR §1.27,

as set forth in 37 CFR §1.27.

Respectfully Submitted,

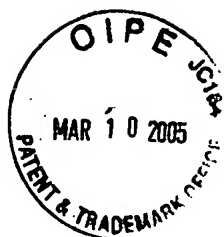
Name: Howard B. Sosin

Title: CEO

Date:

On behalf of **SEER Pharmaceuticals LLC**





## BEST AVAILABLE COPY

### BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE UNITED STATES PATENT AND TRADEMARK OFFICE

#### LIMITED RECOGNITION UNDER 37 CFR § 11.9(b)

Charles Lyon is hereby given limited recognition under 37 CFR § 11.9(b) as an employee of the Choate, Hall & Stewart law firm to prepare and prosecute patent applications wherein the patent applicant is the client of the Choate, Hall & Stewart law firm, and the attorney or agent of record in the applications is a registered practitioner who is a member of the Choate, Hall & Stewart law firm. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Charles Lyon ceases to lawfully reside in the United States, (ii) Charles Lyon's employment with the Choate, Hall & Stewart law firm ceases or is terminated, or (iii) Charles Lyon ceases to remain or reside in the United States, authorized to be employed in accordance with an Employment Authorization Card issued pursuant to 8 CFR § 274a.12(c)(9).

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the United States Patent and Trademark Office.

Expires: June 24, 2005

Harry I. Moatz  
Director of Enrollment and Discipline